



NEWS ALERT

December 1, 2022

TOPICS

[ADI & Court Holidays](#)

[ADI Confidential Site](#)

[Case Offers](#)

[Claims Corner](#)

[Upcoming MCLEs](#)

DEAR PANEL MEMBERS,

As we reach the end of 2022, I wanted to begin by wishing each of you a wonderful holiday season. I hope you're able to spend time with those closest to you, indulging in things which bring you joy and happiness.

This year has brought so much change to ADI, with many of us in new roles. Thank you so much for your patience, support, and encouragement. We've also had some hard losses, both at ADI and within our panel community. I know that our colleagues' contributions to indigent defense were invaluable and serve as a beacon of light that will continue to inspire us.

On behalf of everyone at ADI, we wish you the warmest of holiday wishes, safe travels to all, and we look forward to seeing you in 2023!

ADI & Court Holiday - Closures

- Monday, December 26th
- Monday, January 2nd

ADI Confidential Site -- Update

If you haven't received the Microsoft invitation email, or if you have any questions or need help with the registration, please contact the [SharePoint Registration Team \(SharePoint@adi-sandiego.com\)](mailto:SharePoint@adi-sandiego.com). We will begin the process of moving items from the public site to the Confidential Website this month.

Most resources will remain on the public site. We intend to move all MCLE materials and a few criminal and dependency practice articles. When an item is moved, the public page will still be active and appear in its usual format. But, the MCLE pages will have a link to log into the confidential site; and some practice articles will be listed with a login link to the confidential site. If you're in need of a resource and can't login or need to register, contact the SharePoint Registration Team. In addition, staff attorneys all have access to the materials on the confidential site.

Case Offers

Thankfully, the caseload in 2022 has returned to pre-pandemic levels. However, we are still receiving an overwhelming number of SB 1437 and other post-judgment appeals compared to jury trial appeals. We are doing our best to package these appeals with jury trial cases. But, in some scenarios, we've ended up offering them alone, or packaged with each other, simply because we don't have enough jury trial cases.

Claims Corner

Notice of Proposed Cut - Revised

The projects have simplified the policy for notifying panel attorneys of a proposed cut. We no longer differentiate between interim and final claims. We simply notify a panel attorney whenever the total cut is more than 5 hours and 10% of the claim. Our statewide manual has been updated with the following language:

Prior to the project transmitting its claim recommendation to the JCC, a project staff attorney will notify the panel attorney if there is a proposed cut of more than five hours that is also 10% or more of the total hours claimed. The panel attorney may then discuss the proposed cut at this level with the project staff attorney. If the project provided notification during a previous claim and the same proposed cut applies to the current claim, the project will not repeat the notification. The interim-claim holdback does not count as a cut. (Statewide Claims Manual, page 22, NOTICE TO ATTORNEY OF PROPOSED CUT.)

COVID Early Interim and Supplemental Interim Claims Made Permanent

The JCC has decided to make permanent the ability to (a) submit an early interim claim where the record is over 1500 pages long or an augmented or corrected record has not been filed for 90 days, and (b) submit a supplemental interim claim after counsel has filed the reply brief wherein counsel submits a cumulative claim – the time and expenses claimed in prior claims will populate and counsel adds time only for reviewing respondent's brief and preparing the reply brief.

Upcoming MCLEs

Criminal Case Law Discussion and Open Forum

Join us for a one-hour program on Wednesday, December 7, 2022, at noon. The program will be led by ADI staff attorney Jill Kent and assistant director Cindi Mishkin. During the first half hour, Cindi and Jill will discuss several new laws taking effect in the new year. One half hour (0.5) of MCLE credit will be given for this portion of the program.

The second half hour will be an open forum for staff and panel attorneys. We encourage panel attorneys to discuss/brainstorm any specific issues they are currently encountering with their cases including how the recent changes in the law can be utilized. In anticipation of this discussion, panel attorneys are encouraged to email any specific questions or topics they would like to discuss to [Michelle Rogers \(mcr@adi-sandiego.com\)](mailto:mcr@adi-sandiego.com).

Due to State Bar rules, ADI cannot offer MCLE credit for the second portion of the program. The program is pre-approved for one half hour (0.5) of general MCLE credit and appellate specialization credit. It will not be recorded. A registration link will be circulated shortly before the event.

2023 USD School of Law Community Defenders Sentencing & Beyond – January 28, 2023

This seminar will be held virtually from 8:30 a.m. to 2:15 p.m. The seminar will share insiders' views of the new sentencing laws, the prison system, from intake to parole, as well as creative approaches to developing mitigation to minimize your client's incarceration term and maximize their chances of success upon release.

More information can be found on our website on the [CALENDAR OF EVENTS](#) page. Register at: <https://2023communitydefenders.eventbrite.com/>

As always, please reach out to me if you have any questions, concerns, or suggestions. ~~ Lynelle

